

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date January 19, 2016
Bill No: HJR 2

Sponsor: Rep. Javier Martínez **Agency Code:** Attorney General's Office
Short All Qualified Electors **Person Writing** Nicholas M. Sydow, AAG
Title: Registered to Vote, CA **Phone:** 505-222-9088 **Email** nsydow@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates to: SB 2

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

BILL SUMMARY

Synopsis: House Joint Resolution 2 is a proposed amendment to the New Mexico Constitution. The Resolution proposes that a new section of Article VII of the Consitution be enacted providing that the state shall ensure all qualified electors be registered to vote in any voter registration system, unless the elector opts out of voter registration. The proposed section would also state that any vote of a qualified elector shall not be excluded from being counted on account of the state's failure to provide for that elector's voter registration.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

There may be an objection by some that the Resolution's automatic registration of electors is in tension with the legislature's constitutional authority to regulate the time, place, and manner of elections and to require the registration of qualified electors as a requisite for voting. N.M. Const., art. VII, § 1. However, this does not appear to be a direct conflict, given that the Resolution's proposed amendment still allows for the registration of electors and that the registration of voters would likely not be considered a regulation of the time, place, and manner of elections.

Additionally, there is a practical consideration of how and whether the state can ensure that all qualified electors are registered to vote, particularly where electors do not have driver's licenses or other formal identification registered with the state.

Note that House Joint Resolution 2, if adopted as a constitutional amendment, would abrogate and require the amendment of some existing voter registration statutes. *See* N.M. Stat. Ann. § 1-4-1 *et seq.*

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 2 would provide for the automatic registration to vote of qualified electors who apply for a driver's license or state identification card. This bill would implement most, if not all, of House Joint Resolution 2's proposed requirement that the state ensure that all qualified electors be registered to vote.

TECHNICAL ISSUES

- The first sentence of Section 1 should be re-written to clarify that the legislature is not amending the constitution directly through this Resolution. I would change the sentence to state: "It is proposed to amend Article VII of the constitution by adding a new section to read:"

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None, other than technical issue noted above.